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BENCH AND BAR  
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Austin, Texas  
TEXAS.

BY  
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"Kemper County Vindicated," "The Bench and Bar of Mississippi."*

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TEXAS STATE LIBRARY

Austin, Texas

'Tis not in mortals to command success, but  
We'll do more, Sempronius, we'll deserve it.

—ADDISON'S CATO.

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NATHAN G. SHELLEY.

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Nathan George Shelley was born in Hawkins County, Tennessee, on the 20th of February, 1825. His father was a brick mason, and, in search of labor, moved his family to Talladega County, Alabama, while Nathan was a boy.

The educational advantages of N. G. Shelley, were due to his own exertions and were confined to such opportunities as intervened while laboring with his father as a brick mason. His time thus alternated between mental and physical labor until he reached the age of sixteen years, when having saved some means allowed him for his labor, he entered Emory and Henry College, in Virginia, in 1841, and remained there one year, when it became necessary for him to return to his home and resume the pursuit of his trade to relieve the necessities of his family occasioned by the financial embarrassment of his father. He immediately took charge of his father's business, and while thus shouldering the responsibilities of the family he began the study of law under the tuition of Messrs. Chilton & Rice, both of whom have since that time held the office of chief justice of the State. But in 1846 he imbibed the patriotic spirit excited by the Mexican war, and having heard of the battles of Palo Alto and Resaca de la Palma, he left his studies and enlisted for the war as a private soldier in a company organized and commanded by his uncle, Captain Jacob D. Shelley, and served the time for which he had enlisted.

At the termination of the Mexican war he returned to his home in feeble health and without means, and accepted employment for a season as a clerk in a wholesale grocery store. He afterwards, in order to obtain means to pur-

sue the study of law, served as deputy clerk of the Circuit Court.

In 1849 he received his license to practice from the Circuit Court at Talladega, and, in connection with such practice as he could obtain, took charge of the editorial department of the *Alabama Reporter*, a newspaper published at Talladega, and during the two years he was connected with that journal gained considerable reputation as a terse and forcible writer, and exerted a recognized influence in the arena of politics.

In 1851 he was elected to represent his county in the Legislature of the State, and was re-elected in 1853. In this capacity his intellectual and physical energies had a broader and more prominent scope, and he promoted the interests of his constituency in a manner which gave the highest satisfaction and gained for him both patronage and popularity.

In consequence of failing health he spent the winter of 1854 in Texas, and was so much benefited by the climate that he determined to seek a home in the State, and in 1855 removed to Austin, where he still resides.

In 1856 he formed a copartnership with W. H. D. Carrington, Esq., which continued until the civil war, and his practice constantly increased as his abilities and energies became known to the people.

In 1861 he was chosen to represent Travis County in the Legislature, and in 1862 was elected attorney-general of Texas, and held that office more than a year after his term had expired, in consequence of the declination of his successor to qualify. During this time he was sent by the Governor of Texas to Richmond to adjust the accounts of the State with the Confederate government for frontier service, and on his return connected himself with the command of his brother, and was with the army of Gen. Joseph E. Johnson in the campaign from Dalton to Atlanta. The object of his mission was accomplished with ability and fidelity, and in a manner satisfactory to all parties.

During the war he was made brigadier-general of Texas State troops, and his services everywhere were rendered

with zeal and efficiency ; and his devotion to the cause which he had espoused never wavered, nor did his spirit wane so long as there was any hope of its success. But when the curtain closed over the scene, he yielded complacently to the just demands of the result, and was content with the possession of honor.

At the close of the war he returned to the practice of his profession, and formed a copartnership with Judge George F. Moore, which continued until the latter was again elected to the Supreme bench ; and when Judge Moore was removed by military authority their copartnership was resumed and continued until the latter was elected the third time to the bench of the Supreme Court. He afterwards formed a copartnership with Judge John Hancock, which still exists.

General Shelley is a lawyer of fine ability, and a man of the sternest integrity. He possesses a profound knowledge of law, and his powers of research are acute and indefatigable. He is true and faithful to his clients, and a man of exemplary character in all the relations of life. His mental vigor, accurate judgment, and intense application render him a safe counselor, and he has been eminently successful in all the branches of the profession. He has been engaged in many important cases, and in many involving questions of first importance in the jurisprudence of the State, among which may be mentioned the following: —

*Fisk v. Miller*, 20 Texas, 572, which was a suit for injunction, and to obtain a second action for defendant, as allowed plaintiff in trespass to try title by statute. Held, that the right of a second suit was not given to defendant.

*Mitchell v. Burdett*, 22 Texas, 633. Defendant must show the incidents of ownership as specified in the statute, and all these continued in connection for the full period of five years, to maintain the plea of limitation.

*Dorn v. Dunham*, 24 Texas, 366. This case involved the question of possession in good faith by one who purchased of a tenant in common a specified portion of the common estate.

*Green v. Bank*, 24 Texas, 508–522.

Houston, Top. & B. R. R. Co. v. Randolph, Treasurer, 24 Texas, 317. Establishing a rule upon the subject of *mandamus*.

Berry et al. v. Shuler, 25 Texas, 140, 143. The rule under the statute giving effect to appeal and writ of error bonds as judgment liens from the date of execution.

Ex parte F. H. Coupland, 26 Texas, 386. This case involved the question of the constitutionality of the Conscript Act of the Confederate States Congress. He was attorney-general at the time.

Cherry v. Speight, 28 Texas, 503. This was a suit upon a judgment in favor of an administrator of an estate in Mississippi to enforce payment out of assets brought to Texas, in the hands of the administrator of the judgment debtor who died after judgment in Mississippi.